

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Christopher Lindell Foye Jr.

Docket No. 4:17-CR-68-1H

Petition for Action on Supervised Release

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher Lindell Foye Jr., who, upon an earlier plea of guilty to Possession With the Intent to Distribute More Than 5 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Glen E. Conrad, U.S. District Judge for the Western District of Virginia, on July 22, 2008, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 48 months. On January 13, 2010, the term of imprisonment was reduced to 113 months pursuant to Rule 35(b).

Christopher Lindell Foye Jr. was released from custody on November 16, 2017, at which time the term of supervised release commenced.

Jurisdiction was transferred to the Eastern District of North Carolina on December 27, 2017.

A Petition for Action on Supervised Release was submitted to the court after the defendant tested positive for cocaine and marijuana. On January 4, 2018, the Court approved the petition requiring the defendant to serve 2 days custody as arranged by the probation officer, and imposition of the DROPS program at the second use level.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On January 17, 2018, the defendant submitted to a urinalysis which was confirmed positive for cocaine by Alere Laboratories on January 26, 2018. The defendant was confronted with the positive urinalysis results on February 1, 2018, at which time he acknowledged using the substance and signed an admission form. The defendant has been scheduled for a substance abuse assessment on February 5, 2018, and will begin individual substance abuse treatment sessions thereafter.

As a sanction for the violation conduct, it is respectfully recommended that the defendant be placed on a curfew to be determined by the probation office, and to be monitored with Location Monitoring: Radio Frequency equipment for a period not to exceed 60 consecutive days. This sanction will be in lieu of the 5-day DROPS condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

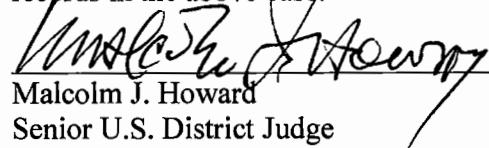
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Jay Kellum
Jay Kellum
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5109
Executed On: February 1, 2018

ORDER OF THE COURT

Considered and ordered this 5th day of February 2018, and ordered filed and made a part of the
records in the above case.


Malcolm J. Howard
Senior U.S. District Judge